

## Remarks

### Claims Objections.

Claim 43 has been amended to depend from claim 30. Claim 60 has been amended to depend from claim 47. Applicant is grateful to the Examiner for noticing Applicant's oversight in not correcting the dependencies of these claims brought about by cancellation of certain claims in Applicant's previous response.

It is believed that claim 74 is presented in this response without any blurring.

### 35 U.S.C. 103(a)

It is noted that the Examiner now rejects claims 30, 32, 38 to 41, 43 to 44, 47, 49, 52, 55 to 58, 60 to 61, 64, and 69 to 74 as being obvious having regard to the combination of admitted prior art 'APA' and Donovan et al (US2002/0057786).

Applicant respectfully disagrees that this combination of references would, not just could, lead one of ordinary skill in the art to the claimed arrangement.

### Claim 30.

The Examiner suggests that AAPA teaches all of the features of claim 30 save for the following features:

*"a VPN converter interfacing the first and second data networks and directly interfacing the first data network to said external TDM network, the VPN converter being configured to receive bearer traffic relating to said communication session established between said entity in one of said plurality of VPNs and the entity in the external TDM network and to convert said bearer*

*traffic between the packet data format of the first data network and the TDM format used in the external TDM network"* (emphasis added).

The Examiner suggests that it would have been obvious for one of ordinary skill in the art to modify APA with the teaching of Donovan thus rendering claim 30 obvious.

The Examiner will be aware that in *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985). A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. **First**, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. **Second**, there must be a reasonable expectation of success. **Finally**, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success

must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

It follows therefore that, in the Examiner's view, the combination of APA and Donovan must teach all of the limitations of claim 30.

Applicant respectfully disagrees for the following reasons.

Claim 30 requires that the VPN converter interfaces the first and second data networks and directly interfaces the first data network to said external TDM network.

In contrast, it is quite clear from Donovan that the ingress gateway 55 (which by being bidirectional also acts as an egress gateway) interfaces a PBX 51 of a TDM network to the IP network 47. This is the only interfacing function performed by the ingress gateway 55. Similarly, the egress gateway 61 interfaces the IP network 47 to a switch 33 of another TDM network (or another part of the same TDM network). Egress gateway 61 is also bidirectional and thus can also function as an ingress gateway, but, in any event, like the ingress gateway, provides a single interfacing function.

In other words, each of the ingress gateway 55 and the egress gateway 61 of Donovan provides a single interface on a respective side of an IP network 47 to a respective TDM network (or a respective part of the same TDM network). Each acts to translate from or to a telephony signalling protocol to or from an internet telephony signalling protocol. As such, neither of the ingress or egress gateways 55, 61 of Donovan interfaces a first data network to a second data network. Furthermore, whilst the ingress and egress gateways 55, 61 of Donovan do each interface an IP network 47 to a TDM network, neither provides this interface in addition to an interface between a first data network and a second data network. Thus, neither of the ingress or egress gateways of Donovan provides an interface between a first

data network and a second data network and also directly interfaces said first data network to an external TDM network. In Donovan, the ingress and egress gateways 55, 61 exist only at the junction of an IP network with a TDM network but not at the junction of a first data network and a second data network as required by claim 30.

In Donovan, the ingress and egress gateways are each located respective junctions of the PSTN network to the IP network. This is, of course, the logical place to locate each gateway given its function of converting TDM frames or the like to IP packets and vice-versa. It would be illogical to place the gateways taught by Donovan at any other location in the network system because this would create problems of how to convey traffic to be converted from TDM to IP format (or vice-versa) away from the natural location to perform such conversion to new locations for the gateways without any apparent benefit to compensate for the newly created problems. One of ordinary skill in the art simply would not be motivated to locate, nor seriously contemplate locating, the gateways of Donovan to any locations other than the respective junctions of the PSTN network and the IP network.

Consequently, one of ordinary skill in the art, starting with the APA, would locate a gateway as taught by Donovan at the interface of the second data network (the carrier network of figure 2 of APA) and the TDM network (the PSTN of figure 2 of APA), i.e. in addition to, or partially replacing TDM to packet data conversion functions of, the trunk gateways 38 depicted in figure 2 of APA. As a consequence, the combined system resulting from the combination of APA and Donovan would still require at least media proxies 42 in the second data network (the carrier network) and would result in an arrangement quite different to that as now claimed. In fact, the arrangement resulting from the combination of APA and Donovan would still require some of the functionality of the trunk gateways 38 of APA.

In contrast to the contended combination, in the claimed invention as defined by claim 30, the VPN converter is defined as interfacing directly the first data network

(VPN data network of figure 3 of the present application) to the external TDM network (PSTN network of figure 3), and interfacing the first data network to the second data network (the carrier network of figure 3). The VPN converter acts as a common interface point between the first data network and the external TDM network and between the first data network and the second data network thereby negating the need to have a packet data format to TDM format conversion means (TDM interface) at the interface between the second data network and the external TDM network. These distinctions are significant. One advantage of the claimed arrangement is that there is no need for any media proxies to be included in the second data network (the carrier network) in contrast to the arrangement resulting from the combination of APA and Donovan which still requires media proxies in the second data network (the carrier data network). Furthermore, the location of the VPN converter which is, in effect, co-located with the VPN gateway makes the call server operation much more efficient because the VPN converter negates the need for media proxies in the second data network (the carried data network) and thus enables the call server to set up 'direct' connections between entities in the VPNs (private address packet data environment) to entities in the PSTN (TDM environment) without the intermediary of media proxies to interface the connections in the carrier data network.

The claimed arrangement is therefore much more efficient in operation than that which would result from the prior art teachings and requires less equipment. Furthermore, it removes the need for entities in private VPN networks to have to rely on complex addressing equipment (media proxies) in another entity's network ( the network of the carrier) and effectively relocates the functions necessary to make 'direct' connections to a first data network which the private entities may control such as a corporate enterprise network. This has service and other cost saving implications for the corporate enterprise operator which cannot possibly be realized by the arrangement resulting from the combination of APA and Donovan.

Consequently, it is respectfully submitted that claim 30 is not rendered obvious by the combination of APA and Donovan.

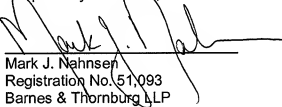
Independent claims 47, 64 and 64 comprise generally the same limitations as claim 30 and thus the foregoing is equally applicable to these claims and leads to the conclusion that these claims also are not rendered obvious by the combination of APA and Donovan.

The dependent claims are also considered as not being rendered obvious by the combination of APA and Donovan by virtue of their respective dependencies on independent claims 30, 47, 64 and 74.

Favorable reconsideration of this application is therefore respectfully solicited.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark J. Nahnsen', is written over a horizontal line.

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